

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

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ANTONIO MARTINEZ

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Plaintiff,

\*

v.

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3:06-CV-257-MHT  
(WO)

NURSE STEWART, *et al.*,

\*

Defendants.

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**ORDER**

On May 1, 2006 Plaintiff filed his response in compliance with the court's April 24, 2006 order that he furnish the Clerk with a correct mailing address for Dr. Lacy. (Doc. No. 7.) A review of the pleading shows that Plaintiff seeks to serve Dr. Lacy at the East Alabama Medical Center located in Opelika, Alabama. In light of the foregoing, the court deems it appropriate to direct Plaintiff to show cause why his complaint against Dr. Lacy should not be dismissed.

Accordingly, it is

ORDERED that on or before May 12, 2006 Plaintiff shall SHOW CAUSE why his complaint against Dr. Lacy, who appears to be a private physician, should not be dismissed. *See American Manufacturers Mutual Ins. Co. v. Sullivan*, 526 U.S. 40, 50 (1999) (requiring that a complaint filed under 42 U.S.C. § 1983 assert "both an alleged constitutional

deprivation ... and that ‘the party charged with the deprivation [is] a person who may fairly be said to be a state actor.’”); *see also* *Parratt v. Taylor*, 451 U.S. 527 (1981). Plaintiff’s response must specifically demonstrate how Dr. Lacy acts under color of state law or how he may fairly be considered a state actor.

Done this 4<sup>th</sup> day of May 2006.

/s/ Vanzetta Penn McPherson  
VANZETTA PENN MCPHERSON  
UNITED STATES MAGISTRATE JUDGE